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Docket No. ETH1595

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Murty N. Vyakarnam et al. Confirmation No.: 1847
Appln. No. : 09/938,364
Filed : August 24, 2001
Title : Foam Composite for the Repair or Regeneration of Tissue

Art Unit : 1711
Examiner : Samuel A. Acquah

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

August 18, 2004
(Date of Deposit)

William K. Wissing
(Name of applicant, assignee, or Registered Representative)


(Signature)

August 18, 2004
(Date of Signature)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO REVIVE PATENT APPLICATION – FAILURE TO
PAY ISSUE FEE UNINTENTIONAL (37 C.F.R. §§ 1.137(b) AND 1.316)**

Dear Sir:

1. Applicant petitions for revival of this application.
2. Nature of Abandonment
 - ☒ in the communication from the PTO mailed July 21, 2004, it was noted that this application is abandoned for:
 - ☒ failure to pay the issue fee within the 3 month period from the date of the notice of allowance required by 37 C.F.R. § 1.316.
 - ☐ failure to pay the balance of the issue fee within 3 months from the date of notification of the deficiency as required by 37 C.F.R. § 1.317.
 - ☒ the undersigned has reviewed his/her records and noted that the issue fee for this application was not timely paid.

08/23/2004 AWONDAF2 00000053 100750 09938364

01 FC:1453	1330.00 DA
02 FC:1501	1330.00 DA
03 FC:1504	300.00 DA

3. Date of Filing of this Petition After Abandonment

This petition is being filed:

- ☒ within 3 months after the applicant was first notified of abandonment.
☐ within 1 year of the date of abandonment.

4. The delay in payment of the issue fee was unintentional. The entire delay from the due date in paying the required issue fees until the filing of this petition was unintentional. 37 C.F.R. § 1.137(b)(3).

5. Payment of the issue fee (37 C.F.R. § 1.137(b)(1):

- ☐ has been filed.
☒ is enclosed as follows:
Regular Patent, 37 C.F.R. § 1.18(a) \$1,330.00
Publication Fee \$300

6. Petition Fee (35 U.S.C. § 41(a)(7) and 37 C.F.R. § 1.17(m))
Application status is other than small entity – fee \$1,330.00

Total issue and petition fee to be paid: \$2,960.00

7. Payment of Total Fee:

- ☒ Authorization is hereby made to charge the amount of \$2,960.00 to Deposit Account No. 10-0750/ETH1595/WKW.
☒ Charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 10-0750/ETH1595/WKW.

8. Showing Required When Petition Being Filed is More than 3 Months From Notification of Abandonment or More than 1 Year After Abandonment

- ☐ Because this petition is more than 3 months after the date of Office first notified the applicant that the application is abandoned, applicant additionally submits a showing as to how the delay between the date the applicant was first notified that the application is abandoned and the filing of this petition under 37 C.F.R. § 1.134(b) was unintentional. 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997). See M.P.E.P. § 711.03(c), 7th Edition.
☐ Because this petition is more than 1 year after the date of abandonment of the application, applicant additionally submits further information as to when applicant (or applicant's representative) first became aware of the abandonment of the application, and a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant (or applicant's representative). 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997). See M.P.E.P. § 711.03(c), 7th Edition.

9. Terminal Disclaimer

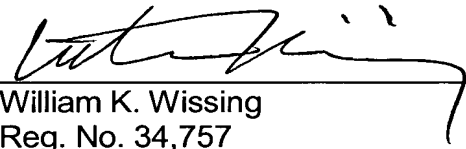
A. ☒ This utility application was filed on or after June 8, 1995, and no terminal disclaimer is required.

B. ☐ This application is:

☐ a design application

☐ a non-provisional utility application filed before June 8, 1995 and a terminal disclaimer, and the fee therefore, is attached.

Respectfully submitted,

By: 
William K. Wissing
Reg. No. 34,757

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Dated: August 18, 2004